

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: to be assigned

Filing Date: to be assigned

Applicant: Milbourne et al

Group Art Unit: to be assigned

Examiner: to be assigned

Title: IMPACT WRENCH HAVING AN IMPROVED
ANVIL TO SQUARE DRIVER TRANSITION

Attorney Docket: 0275L-000717/CPA

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number
10/630,263

U.S. Filing Date
July 30, 2003

C. Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. See the attached foreign patent office communication from a counterpart foreign application:

2. English translations are provided:

3. Other:

German Patent No. DE20118029U1 appears to show an anvil for an impact mechanism. The transition zone of the anvil 40 can be seen in the left hand side of Figure 1.

German Patent No. DE20201733U1 (see corresponding U.S. Patent No. 6,446,735).

German Patent Specification No. DE1478993 relates to a power operated rotary impact tool (see corresponding GB Patent Specification No. 1014081). Figure 1 of the GB Patent shows an anvil shaft 115 extending through the forward end of a housing 116 (see page 2, lines 44-47). The anvil shaft is formed with a central longitudinal hole in which a spring element is disposed for biasing a locking member. Figure 2 shows the transition portion of the anvil between the round body and the square drive head. However, this transition portion is similar to the admitted prior art design of the present application.

German Patent Specification No. DE1603945 relates to a power operated rotary impact tool. Figures 1 and 10 show details of the anvil 5. Anvil 5 is also similar to that shown in the admitted prior art design of the present application.

German Patent Specification No. DE1939262C2 appears to disclose a rotary impact wrench mechanism. The anvil is part of the outer end of spindle 6 projecting from the front end of the nose portion 3 of the rotary impact wrench 1. The spindle 6 carries flats 10 adapted to be attached to a conventional wrench socket (see col. 3, line 70 to col. 4, line 5 of the corresponding US Patent No. 3605914). The anvil portion of this document is also similar to that shown in the admitted prior art of the present application.

German Patent Specification No. DE2508316C2 (see corresponding U.S. Patent No. 3,890,051).

German Patent Specification No. DE4402739C2 relates in general to a rotatable power tool. As can be seen from Figures 1 and 2, the front portion of the anvil is provided with a spring biased locking member.

European Patent Application No. EP0092127A2 (see corresponding U.S. Patent No. 4,513,827).

C. The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
-------------------	--------------------	-----------------

V. THIS IDS IS BEING FILED UNDER

A. **37 C.F.R. § 1.97(b):** (check only one box)

1. within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.
4. before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. See the certification below. No fee is required.

C. **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VI. PAYMENT OF FEES (check only one box)

A. A check in the amount of \$180.00 is enclosed for the above identified fee.

B. Please charge Deposit Account No. 02-2548 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2548.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: March 26, 2004

By: Ryan W. Massey
Ryan W. Massey
Reg. No. 38,543

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RWM/dr

FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET No.	SERIAL No.
		0275L-000717/CPA	to be assigned
		APPLICANT	
		Milbourne et al	
		FILING DATE	GROUP
		to be assigned	to be assigned

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Sheet 1 of 2

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		D384563	10/1997	Robinson		
2.		2954994	10/1960	Beers		
3.		3119456	01/1964	Burnett		
4.		3180435	04/1965	McHenry		
5.		3428137	02/1969	Schaedler et al		
6.		3605914	09/1971	Kramer		
7.		3734515	02/1973	Dudek		
8.		3890051	06/1975	Biek		
9.		4513827	04/1985	Dubiel		
10.		4865485	09/1989	Finnefrock, Sr.		
11.		5038869	08/1991	Olson		
12.		5438894	08/1995	Pearce		
13.		6446735	09/2002	Chen		
14.		6672183B2	01/2004	Johnson		

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
1.		DE20118029U1	11/2001	Germany		X
2.		DE1478993	01/1962	Germany		X
3.		DE1603945	03/1967	Germany		X
4.		DE1939262C2	08/1969	Germany		X

Examiner:	Date Considered:
-----------	------------------

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		0275L-000717/CPA	to be assigned
		APPLICANT	
		Milbourne et al	
		FILING DATE	GROUP
Sheet 2 of 2		to be assigned	to be assigned

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
5.		DE2508316C2	02/1975	Germany		X
6.		DE4402739C2	01/1994	Germany		X
7.		EP0092127A2	04/1983	EPO		X
8.		EP0719618B1	07/1996	EPO		X
9.		EP0721823B1	07/1996	EPO		X
10.		EP0747174B1	12/1996	EPO		X
11.		EP0885693B1	12/1998	EPO		X
12.		EP1014081	12/1965	EPO		X
13.		DE20201733U1	02/2002	Germany		X

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		

Examiner:	Date Considered:
-----------	------------------

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.